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Letter dated 22 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to write to update you on recent developments pertaining to the Great Lakes region of Central Africa crisis, and to highlight a number of issues as the Security Council considers another presidential statement on the Democratic Republic of the Congo.

The Government of the Republic of Rwanda has been calling for the establishment of a bilateral verification mechanism for many months. The Council should recall that upon Rwanda's insistence, it was agreed during the 27 November 2003 summit held in Pretoria that such a bilateral mechanism would be established with support from the African Union and the United Nations. It was also at my Government's insistence that the Third Party Verification Mechanism (TPVM) was established under the Pretoria agreement of July 2002.

To my Government's dismay, the Government of the Democratic Republic of the Congo has been unwilling to cooperate in the establishment of this verification mechanism and has frustrated all of our initiatives in that regard. Rwanda has thus repeatedly appealed to the Council to urge the Government of the Democratic Republic of the Congo to work together with Rwanda in setting up that mechanism. Our appeal for the establishment of the mechanism was reiterated most recently in a letter to the President of the Council from the Minister of Foreign Affairs and Cooperation of the Republic of Rwanda, dated 10 June 2004.

Following recent information from Ambassador Swing, the Special Representative of the Secretary-General, that the Government of the Democratic Republic of the Congo is now finally ready to establish the mechanism, Rwanda on 18 June 2004 submitted to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) a draft agreement for the establishment of a permanent joint commission between Rwanda and the Democratic Republic of the Congo to finalize the work of the Third Party Verification Mechanism (TPVM) (see annex). We look forward to receiving comments on this proposal from the Government of the Democratic Republic of the Congo, and to getting the process started without any further delay.

These initiatives by my Government should demonstrate to the Council that Rwanda has been at the forefront and spearheading efforts to ensure transparency through such a verification mechanism. We believe that this fact should be reflected appropriately.

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The Government of the Republic of Rwanda also wishes to remind the Council of the continued presence in the territory of the Democratic Republic of the Congo of armed and mobilized units of the ex-forces armées rwandaises/Interahamwe militia. We have received credible information that those forces have been actively participating in operations alongside Democratic Republic of the Congo government forces in the eastern Democratic Republic of the Congo and close to the border with Rwanda. Rwanda once again appeals to the Security Council to take swift appropriate action to address this issue.

My Government would once again like to bring to the attention of the Council massive troop deployments by the Government of the Democratic Republic of the Congo along the border with Rwanda. My Government believes that this action would escalate the situation and is therefore unproductive. We appeal to the Council to ensure that the Government of the Democratic Republic of the Congo stops such deployments.

The Government of the Republic of Rwanda wishes to reiterate its support for the global all-inclusive agreement and the transition process in the Democratic Republic of the Congo. Rwanda has not been engaged in any actions, directly or indirectly, to undermine the transition. Rwanda has not provided practical, political or any other kind of support to troops in the Democratic Republic of the Congo, including Major General Nkunda and Colonel Mutebutsi. To date, no credible evidence has been provided that connects Rwanda to recent fighting in the Bukavu area. We do not believe that mere presumption, suggestion or rumour constitute evidence.

Finally, my Government wishes to bring to the attention of the Council the fact that on Monday 21 June 2004, Colonel Mutebutsi, a national of the Democratic Republic of the Congo, fled to Rwanda, along with approximately 300 men, and sought refuge. In compliance with its obligations under the 1951 Convention Relating to the Status of Refugees and the Universal Declaration of Human Rights (1948), Rwanda has allowed them to enter its territory. They have all been disarmed by Rwandan security forces, and will be transferred away from the border with the Democratic Republic of the Congo, in accordance with relevant international conventions.

The Government of the Republic of Rwanda wishes to emphasize that Colonel Mutebutsi and his followers were allowed to enter Rwandan territory on humanitarian grounds. The Government of Rwanda will not permit them to engage in any activities that directly or indirectly undermine the transitional government of the Democratic Republic of the Congo and the security of that country.

We request that the present letter and its annex be circulated as a document of the Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

Annex to the letter dated 22 June 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

The Ministry of Foreign Affairs and Cooperation of the Republic of Rwanda presents its compliments to the Kigali Liaison Office(KLO) of United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and has the honor communicate the following:

Following the information passed on to us by Ambassador Swing, the UNSRSG in the DRC, that the DRC Government was finally ready for the establishment of the bilateral verification mechanism as was agreed upon during the November 27, 2003 summit in Pretoria, the Government of Rwanda is pleased to submit hereby its proposal for the structure and functioning of the envisioned bilateral verificanon mechanism.

The Ministry requests MONUC to pass on this proposal to the Government of the Democratic Republic of the Congo and to inform the DRC Government that the Government of Rwanda is ready to met and discuss this proposal.

The Ministry of Foreign Affairs and Cooperation of Republic of Rwanda avails itself of this opportunity to renew to the United Nations Organization Mission in the Democratic Republic of the Congo the assurances of its highest consideration.

DRAFT

AGREEMENT BETWEEN THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE REPUBLIC OF RWANDA ON THE FORMATION OF A PERMANENT JOINT COMMISSION TO FINALIZE THE WORK STARTED BY THE THIRD PARTY VERIFICATION MECHANISM ESTABLISHED UNDER THE PRETORIA AGREEMENT BETWEEN THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE REPUBLIC OF RWANDA ON THE WITHDRWAL OF RWANDAN TROOPS FROM THE TERRITORY OF THE DRC AND THE DISMANTLING OF THE INTERAHAMWE AND EXFAR FORCES, SIGNED ON THE 30TH JULY 2002

The Government of the Democratic Republic of the Congo and the Republic of Rwanda,

PURSUANT to the Lusaka Ceasefire Agreement of 1999 which sets out, inter alia, modalities for the tracking down and disarmament of ex-Far and Interahamwe forces in the territory of the DRC,

PURSUANT to the Pretoria Agreement of 30th July 2002 between the Government of the Democratic Republic of the Congo and the Government of Rwanda on the Withdrawal of Rwandan troops from the territory of the DRC and the dismantling of the Interahamwe and ex Far forces,

TAKING INTO ACCOUNT the Relevant Security Council resolutions on the matter including inter alia resolutions 1291, 1304,1326,1323,1332,1341,1355,1376,1399,1417,1445,1484,1489,1493,1501

TAKING INTO ACCOUNT the Final Report of the Third Party Verification Mechanism to the Principals presented to them on the 27th of November 2003,

PURSUANT to the Final Communiqué of the Summit on the Third Party Verification Mechanism (TPVM) hosted by H.E President Thabo MBEKI of South Africa on the 27th November 2003,

DETERMINED to end, once and for all, the threat caused by the Ex-FAR / Interahamwe forces, in their different Politico-Military reincarnations, to the security and stability of the Democratic Republic of Congo and the Republic of Rwanda,

CONVICED that these genocidal forces constitute a threat to Peace and Stability in the Great Lakes Region.

Decide on the following

1. To establish a Joint Commission to complete the tasks outstanding under the Pretoria agreement, specifically the tracking down, disarming, repatriation, rehabilitation and resettlement, of the Ex Far /Interahamwe present on the territory of the Democratic Republic of the Congo.
2. The Commission shall be Co- chaired by Senior Officials from the Democratic Republic of the Congo and the Republic of Rwanda. It shall be composed of senior officials in the political, diplomatic, military and Intelligence fields, appointed to it on a permanent basis, for its duration.
3. The joint commission shall hold sessions to assess the status DDRRR of the Ex Far Interahamwe once every month, or whenever either party deems it necessary. The meetings of the Commission shall be held in Kinshasa and Kigali on a rotating basis. The Secretariat shall be assumed by the Party in whose territory the meeting is held. Whenever a meeting of the Commission is called by either party, attendance by the other shall be obligatory. The first meeting of the Commission shall be held in Kinshasa, one month after the signing of this agreement.
4. The parties shall request the African Union to appoint a permanent representative to the Commission. The African Union shall also avail senior diplomatic, military, and intelligence officials to assist the Commission in its work, and to act as independent arbiters whenever the parties fail to agree on any matter. The decisions of the African Union on matters referred to it for arbitration shall be final and binding on the parties.
5. The two governments shall be allowed to post permanent liaison officials on each other's territory, if they so wish, for purposes of regular follow up of the DDRRR process. Any official so posted will be under the charge of the sending country. They will be liable for any misconduct, under the laws of the sending party. Posting of any such official will require the prior written authorization of the receiving party.
6. The Government of the Democratic Republic of the Congo shall use all means necessary to make sure that the task of tracking, disarming , demobilization, and repatriation of the ex-Far / Interahamwe is accomplished within less than twelve months, from the signing of this agreement. Whenever the participation of the Government of Rwanda is requested to assist in this task, such assistance shall be availed. The parties may also request the African Union for assistance in accomplishing this task. The Parties will provide full access to the Commission to sites requested by either party for purposes of verification of the process of DDRRR. In this respect, the logistical support of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) may be requested by the parties.
7. The Government of the Democratic Republic undertakes to continue to make it clear to the Ex Far/ Interahamwe forces in their different politico-military reincarnations, that they are not welcome on the territory of the DRC. It further

commits itself to making sure that these groups do not receive any military supplies and equipment, whatever the source of such supplies, on its territory. The ICTR will be assisted to take custody of any members of the groups, present on the territory of the DRC, in which the tribunal may have interest.

8. The Government of the Republic of Rwanda will continue to welcome any members of the armed groups who return to its territory.
9. The two Governments are concerned that the activities of the extremist elements in the leadership of Rwandan armed groups present in the DRC continue to prevent the voluntary return of combatants to Rwanda. The Government of the Democratic Republic of the Congo and the Republic of Rwanda, shall use all means at their disposal to combat this extremist leadership. The International Community, specifically the UN Security Council and MONUC are expected to play an important role in helping deal with the extremist leadership.
10. Within a period of six months, the Heads of State of the Democratic Republic of the Congo, the Republic of Rwanda, and the Chairperson of the African Union shall meet, at a venue acceptable to all, to assess progress under this agreement. This Summit, shall be called by the Chairperson of the African Union.
11. The Commission may be dissolved on the presentation of a final report to the Principals mentioned in 10 above, which concludes that the Commission has accomplished the tasks for which it had been mandated.
12. Nothing in this agreement shall be interpreted as replacing, or detracting from other agreements entered into, or bodies set up, to end the conflict in the DRC.